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ABSTRACT

This publication updates a survey originally conducted in 1970 to determine the legal status of school principals in each of the 50 states and the District of Columbia. States were categorized in four groups on the basis of similarities in their laws relating to principals. Category A includes 15 states in which principals have attained at least the basic elements of legal status; category B includes 6 states with school codes that frequently mention specific duties and responsibilities of principals; category C includes 18 states with school codes that occasionally mention specific duties and responsibilities of principals; and category D includes 12 states where principals have clearly not attained a legal status of identity separate from teachers. The importance of establishing a separate legal identity for principals is discussed, and possible strategies for achieving passage of the necessary state legislation are suggested. A prototype bill modeled after statutes enacted in Illinois, Michigan, and Texas is presented as a model for use in states currently without such legislation. (Author/JG)

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A Legal M[illegible]ndum

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September, 1973

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Concerning

THE LEGAL STATUS OF THE PRINCIPAL
(Revised)

ED108365

During the 1960's the role of the secondary school principal became increasingly ambiguous and untenable. The principal's position as front line manager in the day-to day operation of the rapidly changing secondary school resulted not only in a greater number of law suits against him but, in many instances, total lack of representation in professional negotiations. Because of these and other closely associated reasons, the NASSP considers the establishment of a legal statu or identity, for the school principal to be a matter of highest priority. In view of this objective, a survey was conducted in 1970 to determine the legal status of the principal in each of the fifty states and the District of Columbia. Further, we drafted a prototype bill which principals' associations might find useful in states with codes which are deficient with respect to definition of the principal's status.

The survey enabled us to categorize the 50 states and the District of Columbia into four groups on the basis of similarities in their education statutes relating to school principals. During the summer of 1973 we attempted to update the 1970 survey in order to see what progress has been made. For comparative purposes, the categories used in the earlier survey have been retained, although each state is very independent in its outlook, and the classification must, therefore, be somewhat subjective. No single pattern or general trend encompassing all states emerged from the 1970 study, and current information does not change this conclusion, but there has been encouraging progress toward development of specific state legislation providing legal status for principals. In reprinting this Memorandum it, therefore, seemed desirable to report on the current status of such legislation.

The major change has been in Category A in which at least the basic elements of legal status have been attained. In 1970, there were only nine states in this category, and of these, only Illinois, Michigan and Texas had school codes providing legal status for principals as the direct result of separate legislation. Since then, five more states have enacted specific legislation or adopted administrative regulations, most of them following NASSP's prototype bill or similar models provided by other states. The new additions are: Colorado, Massachusetts, New Hampshire, New Mexico and Virginia. Particularly gratifying is the fact that all of these states had previously been in Category D, in which little if any legal status or identity had been attained. At least three other states had bills under consideration by their legislatures at the time of the 1973 update.

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In at least two states, California and Washington, although the basic legislation concerning the status of the principal remains unchanged, principals have been removed from the teacher category in the important respect of being able to bargain or negotiate for themselves with their school districts.

In updating the 1970 survey, reports have not been received from every state; however, all but one originally in Category D responded. Where no response was received, it has been assumed that there has been no change.

Category A, composed of fifteen states, includes those whose school codes appear to provide at least the basic essentials of legal identity for the principalship. Although only eight apparently have school codes which specifically define the principal's role and identity and which resulted from separate legislation, the other jurisdictions have codes with extensive references to the authority and responsibility of the secondary school principal.

Category B, includes six states having school codes that mention the principal very often with regard to specific duties and responsibilities, but fall short of clearly providing him with a separate legal identity. These states fail to provide the type of legal identification that would provide essential authority and support for the principal in the event of a legal challenge to his rights and responsibilities.

Category C, in which eighteen states are found, includes those state codes wherein the principal is occasionally mentioned with regard to specific duties and responsibilities. These codes, like so many others, are not consistent. Although the principal is not legally defined and remains to a large extent classified with teachers as a teacher, there are occasionally specific references regarding some duties and powers of the principal.

Category D, composed of twelve states, includes those where it is clear that the principal has not attained legal status or identification. He is covered throughout the state code under the general term "teacher," with very little or virtually no reference to the principalship as a separate entity.

CATEGORY A (15)	CATEGORY B (6)	CATEGORY C (18)	CATEGORY D (12)
California	Florida	Arizona	Alabama
Colorado	Maryland	Georgia	Alaska
Hawaii	Nevada	Indiana	Arkansas
Illinois	Ohio	Iowa	Connecticut
Massachusetts	Pennsylvania	Kansas	Delaware
Michigan	West Virginia	Louisiana	Idaho
Mississippi		Missouri	Kentucky
New Hampshire*		Montana	Maine
New Jersey		Nebraska	Minnesota
North Carolina		New York	Rhode Island
North Dakota		Oklahoma	Utah
Texas		Oregon	Washington
New Mexico		South Carolina	
Virginia		South Dakota	
District of Columbia*		Tennessee	
		Vermont	
		Wisconsin	
		Wyoming	

* Administrative Rules with the force of law

It must be remembered that each state school code is set up differently, with varying emphasis on different aspects of school law. However, if the chart is considered only as a national overview of the principal's legal status, it is a useful reference.

The survey has raised many issues. Some of the more obvious follow:

Because the principal is often classified with and identified as "teacher" in school codes, there are virtually no distinctions in working conditions, responsibilities, rights, duties, and salaries, to name a few, between principals and teachers. This lack of distinction, or at best statutory ambiguity, is potentially injurious in many circumstances. Nowhere, however, is it more confusing and damaging than in the area of job status and welfare.

In several states, for example, principals and teachers are bound into the same bargaining or negotiating unit. This joining together of principals and teachers in many instances has resulted in virtual nonrepresentation for principals. If principals had statutory identity with clearly defined rights and responsibilities, this often tragic reality of "nonrepresentation in bargaining" could be effectively remedied.

A factor of considerable importance is the "vague, isolated feeling" many administrators experience as they are torn between two adversary groups in the daily performance of their duties. Where does their allegiance lie -- with management and the central office administration, or with the teaching staff? This problem is particularly acute in our large city schools, where principals so often have the trappings but not the substance of administrative authority. Here, also, strong legislation will aid in establishing the entity of the principal and provide him with a legal basis for clearly marking out the bounds of his rights and responsibilities and for asserting his authority.

Another issue deserving consideration is the appropriateness of legislation as a means of establishing identity for the principal. For example, some who have been successful in passing new legislation relating to the principalship have remarked that, by the time a bill originally introduced and enthusiastically endorsed by the state's principals is finally passed, it is quite different from its original form and not as satisfactory. In spite of this danger, however, any statutory identity is better than none at all.

For this reason a prototype bill has been prepared to serve as a working model for use in states currently without such legislation. This bill, largely modeled after the Illinois, Michigan, and Texas statutes, is thought to stand a reasonable chance of success in state legislatures and includes the bare essentials of legal status for the principal.

The primary objective of this publication is to provide an impetus for the drafting of state legislation now in each state without sufficient legislation establishing the status of the principal. It is important to remember that timing is a critical factor in the introduction of any legislation. The local political climate in each state should determine when legislation should be introduced. For instance, legislation presented to a state at a time when it has been buried in educational legislation, tax levies, or teachers' strikes, might well fail,

as the legislative community would be expected to look unfavorably upon new legislation defining or establishing what appears to be new "powers" for educators. Generally, proposed legislation that fails is more difficult to resurrect and pass than new legislation. unhampered by previous defeat. Pick your time, but if possible make it the *reasonably near future!*

PROTOTYPE BILL

A BILL TO BE ENTITLED ....

The board of education shall employ through written contract public school principals who shall hold valid supervisory or administrative certificates, who shall supervise the operation and management of the school or schools and property as the board shall determine necessary;

The principal shall assume administrative responsibility and instructional leadership, under the supervision of the superintendent, and in accordance with the reasonable rules and regulations of the board, for the planning, management, operation, and evaluation of the educational program of the attendance area to which he is assigned;

The principal shall submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the attendance area;

The principal shall perform such other duties as may be assigned by the superintendent pursuant to the reasonable rules and regulations of the board of education.

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A Legal Memorandum is published periodically by the National Association of Secondary School Principals, Dulles International Airport, P.O. Box 17430, Washington, D. C. 20041 (offices at 1904 Association Dr., Reston, Va. 22091). Annual subscription is included in NASSP dues. Single copy price, 25 cents; five or more copies, 15 cents each. Payment must accompany orders of $10 or less.

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